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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,166	05/03/2001	Michael Wayne Brown	AUS920000712US1	7663

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/848,166	Applicant(s) BROWN ET AL.	
	Examiner Jungwon Chang	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-4, 6-8,11-16,18,19,22-26,28-30,33-38,40,41,44-48,50-52,55-60,62,63,66-68 and 73-95.

Continuation of Disposition of Claims: Claims rejected are 1-4, 6-8,11-16,18,19,22-26,28-30,33-38,40,41,44-48,50-52,55-60,62,63,66-68 and 73-95.

DETAILED ACTION

1. This Action is response to RCE filed on 1/10/2006. Claims 73-95 are added.
2. Claims 1-4, 6-8, 11-16, 18-19, 22-26, 28-30, 33-38, 40-41, 44-48, 50-52, 55-60, 62-63, 66-68 and 73-95 are presented for examination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4, 7, 8, 11-16, 18-19, 22-26, 28-30, 33-38, 40-41, 44-48, 50-52, 55-60, 62-63, 66-68 and 73-95 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the claims are not limited to tangible embodiments. In view of applicant's disclosure, specification on pages 17-18, the medium is not limited to tangible embodiments, instead being defined as including tangible embodiments and intangible embodiments (signals propagating through space, radio wave, infrared signals, etc). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 8, 11-16, 18, 19, 22-25, 30, 33-38, 40, 41, 44-47, 52, 55-60, 62, 63, 66, 67, 73-77, 79-84, 86-91 and 93-95 are rejected under 35 U.S.C. 102(e) as being anticipated by Blants (US 6,732,080).

7. As to claims 18, 40 and 62, Blants discloses a method for generating a calendar for a personal information management program (figs. 3-4; col. 1, line 62 – col. 2, line 15), comprising:

receiving selection of a time interval (col. 7, lines 61-65, “schedule time”; col. 17, lines 22-24; col. 18, lines 33-39);

for the selected time interval, determining position coordinates of a wireless device and time information indicating times when the position coordinates were generated, wherein a user is associated with the wireless device (202, fig. 5; col. 14, lines 34-42, “current position and time of the mobile terminal”; col. 2, lines 24-30);

processing the position coordinates and time information during the selected time interval to determine whether a change in a series of the position coordinates at times during the selected time interval indicates a predefined activity of the user occurring during the selected time interval (fig. 4, “reschedule”, “cancel”; 204, fig. 5, “check if conflict with scheduled event”; col. 2, lines 16-52; col. 3, lines 31-37, “updates

the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33);

generating information on the predefined activity within the selected time interval (fig. 4, “reschedule”, “cancel”; col. 3, lines 31-37, “updates the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33); and

displaying information on the predefined activity of the user and the selected time interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40).

8. As to claims 1 and 23, Blants discloses a method for providing user location information for a personal information management program (fig. 3), comprising:

generating position coordinates of a wireless device (fig. 3, “event location”) and time information indicating times when the position coordinates were generated (fig. 3, “event time”), wherein a user is associated with the wireless device (fig. 2);

processing the position coordinates and time information to determine whether a change in a series of position coordinates at times indicates a predefined activity of the user occurring during an activity time period during which the position coordinates and the time information were generated (fig. 4, “reschedule”, “cancel”; 204, fig. 5, “check if conflict with scheduled event”; col. 2, lines 16-52; col. 3, lines 31-37, “updates the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33); and

generating information on the determined predefined activity for the activity time period (fig. 4, "reschedule", "cancel"; col. 3, lines 31-37, "updates the calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

9. As to claims 2 and 3, Blants further discloses wherein the position coordinates and time information are generated at the wireless device, further comprising:

receiving from the wireless device the generated position coordinates and time information to a server (22, figs. 1 & 4; col. 11, lines 34-45) and storing the generated position coordinates and time information in a database (col. 13, line 59 – col. 14, line 11, "database of the calendar and scheduling server storing"; col. 14, lines 42-51), wherein the position coordinates and time information to determine the predefined activity during the activity time period and the locations and associated time periods where the user was present (fig. 4, "reschedule", "cancel"; 204, fig. 5, "check if conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates the calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

10. As to claim 8, Blants further discloses wherein the position coordinates and time information are generated at the wireless device, further comprising:

receiving from the wireless device the generated position coordinates and time information to a server (22, figs. 1 & 4; col. 11, lines 34-45) and storing the generated

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position coordinates and time information in a database (col. 13, line 59 – col. 14, line 11, “database of the calendar and scheduling server storing”; col. 14, lines 42-51), wherein the position coordinates and time information to determine the predefined activity during the activity time period and the locations and associated time periods where the user was present (fig. 4, “reschedule”, “cancel”; 204, fig. 5, “check if conflict with scheduled event”; col. 2, lines 16-52; col. 3, lines 31-37, “updates the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

11. As to claims 11 and 15, Blants discloses receiving a request for information on the user for a selected time interval (22, figs. 1 & 4; col. 11, lines 34-45); determining one predefined activity occurring during the selected time interval (col. 11, lines 34-45); and generating information on the determined predefined activity for the activity time period (fig. 4, “reschedule”, “cancel”; col. 3, lines 31-37, “updates the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

12. As to claims 12 and 14, Blants discloses transmitting the generated information to an initiator of the request for information to enable the initiator to display the location information and time periods where the user of the wireless device was located for the time interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40).

13. As to claim 13, Blants discloses wherein the initiator requesting the information comprises a program installed on a computer, and wherein the generated information is transmitted over the Internet to the computer (col. 9, lines 26-60).

14. As to claim 16, Blants discloses wherein each position coordinate is expressed as an x, y, z coordinate (col. 3, lines 7-27).

15. As to claim 19, Blants discloses determining scheduled events for the user within the selected time interval (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16); and displaying information on the determined locations and time periods where the user was located for the selected time interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40; col. 13, lines 7-16).

16. As to claim 22, Blants discloses the information is displayed in a calendar Graphical User Interface (GUI; fig. 3; col. 12, lines 31-40).

17. As to claims 24 and 25, they are rejected for the same reasons set forth in claims 2 and 3 above.

18. As to claim 30, it is rejected for the same reasons set forth in claim 8 above.

19. As to claims 33 and 37, they are rejected for the same reasons set forth in claims

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11 and 15 above.

20. As to claims 34 and 36, they are rejected for the same reasons set forth in claims 12 and 14 above.

21. As to claim 35, it is rejected for the same reasons set forth in claim 13 above.

22. As to claim 38, it is rejected for the same reasons set forth in claim 16 above.

23. As to claim 45, it is rejected for the same reasons set forth in claims 1 and 23. In addition, Blants discloses an article of manufacture including code method (col. 9, line 45 – col. 11, line 16).

24. As to claims 46 and 47, they are rejected for the same reasons set forth in claims 2 and 3 above.

25. As to claims 41 and 63, they are rejected for the same reasons set forth in claim 19 above.

26. As to claims 44 and 66, they are rejected for the same reasons set forth in claim 22 above.

27. As to claim 52, it is rejected for the same reasons set forth in claim 8 above.
28. As to claims 55 and 59, they are rejected for the same reasons set forth in claims 11 and 15 above.
29. As to claims 56 and 58, they are rejected for the same reasons set forth in claims 12 and 14 above.
30. As to claim 57, it is rejected for the same reasons set forth in claim 13 above.
31. As to claim 60, it is rejected for the same reasons set forth in claim 16 above.
32. As to claim 67, it is rejected for the same reasons set forth in claims 1 and 23. In addition, Blants discloses computer readable medium for providing user location information for a personal information management program of a user at a wireless device, wherein the computer readable medium includes at least one computer readable data structure (col. 9, line 45 – col. 11, line 16).
33. As to claim 73, Blants discloses determining locations of the wireless device during the activity time period based on the position coordinates of the wireless device during the activity time period (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16), wherein generating the information comprises generating information on the predefined activity

and the locations where the predefined activity occurred (col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

34. As to claim 74, Blants discloses generating a record associating the determined locations with the determined predefined activity (col. 13, line 59 – col. 14, line 11, “database of the calendar and scheduling server storing”; col. 14, lines 42-51).

35. As to claim 75, Blants discloses wherein determining the locations of the wireless device during the activity time period comprises determining the position coordinates at a first and last geographical locations of the wireless device at a first and last time periods of the activity time period (fig. 3).

36. As to claim 76, Blants discloses wherein determining the predefined activity comprises determining a rate of change in distance per unit of time of the position coordinates during the activity time period (fig. 4, “reschedule”, “cancel”; 204, fig. 5, “check if conflict with scheduled event”; col. 2, lines 16-52; col. 3, lines 31-37, “updates the calendar as the location of events in the calendar changes”; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

37. As to claim 77, Blants discloses wherein the predefined activity is a member of a set of predefined activities comprising at least one of driving, walking, running, bicycle riding, and flying in an airplane (fig. 3).

38. As to claim 79, Blants discloses determining locations of the wireless device during the activity time period based on the position coordinates of the wireless device during the activity time period (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16), wherein generating the information comprises generating information on the predefined activity and the locations where the predefined activity occurred (col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

39. As to claim 80, it is rejected for the same reasons set forth in claim 73 above.

40. As to claim 81, it is rejected for the same reasons set forth in claim 74 above.

41. As to claim 82, it is rejected for the same reasons set forth in claim 75 above.

42. As to claim 83, it is rejected for the same reasons set forth in claim 76 above.

43. As to claim 84, it is rejected for the same reasons set forth in claim 77 above.

44. As to claim 86, it is rejected for the same reasons set forth in claim 79 above.

45. As to claim 87, it is rejected for the same reasons set forth in claim 80 above.

46. As to claim 88, it is rejected for the same reasons set forth in claim 74 above.

47. As to claim 89, it is rejected for the same reasons set forth in claim 75 above.
48. As to claim 90, it is rejected for the same reasons set forth in claim 76 above.
49. As to claim 91, it is rejected for the same reasons set forth in claim 77 above.
50. As to claim 93, it is rejected for the same reasons set forth in claim 79 above.
51. As to claim 94, it is rejected for the same reasons set forth in claims 1, 23 and 67 above. In addition, Blants discloses a server (20, fig. 1); code executed by the wireless device that is adapted to generate position coordinates of the wireless device and time information indicating times when the position were generated (col. 14, lines 36-51); and code executed by the server that is adapted to (col. 9, line 45 – col. 11, line 16).
52. As to claim 95, it is rejected for the same reasons set forth in claim 73 above.

Claim Rejections - 35 USC § 103

53. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

54. Claims 4, 6, 7, 26, 28, 29, 48, 50, 51, 68, 78, 85 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blants, in view of Contractor (US 6,847,824).

55. As to claims 4 and 7, Blants further discloses providing a plurality of location defining multiple location coordinates (event locations, fig. 3, "x y z"); for each location, providing a location description including information describing the location (event locations, fig. 3, "Oulu, Street A..."); for each generated position coordinate, determining whether position coordinate is included in one of the provided location (col. 13, lines 7-27); and processing the position coordinates and time information to determine information on locations and associated time periods, wherein at least one location for which information is determined includes multiple generated position coordinates and the associated time period for the location includes the time information generated for the position coordinates included in the determined location, wherein for each determined location and associated time period, the user of the wireless device was located at the location for the associated time period (figs. 3 & 5; col. 3, lines 25-37, "determining the current location"; col. 14, lines 53-66; col. 15, line 47 – col. 16, line 38), and wherein at least one determined location comprises one predefined location including position coordinates, and wherein the information generated on at least one location includes the location description for the predefined location comprising the location (fig. 3). However, Blants does not specifically use a term "location boundaries". Jiang discloses location boundaries (figs. 4-5; col. 6, line 60 – col. 7, line 67; col. 8, lines 1-19). It would have been obvious to one of ordinary skill in the art at the time of the

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invention was made to combine the teachings of Blants and Jiang because Jiang's location boundaries information would more precisely specify its location (col. 7, lines 5-15).

56. As to claim 6, Blants further discloses receiving location and location description information from a transmitter (37, fig. 2, "transceiver").

57. As to claims 26, 29, 48, 51, 68, 78, 85 and 92, they are rejected for the same reasons set forth in claims 4 and 7 above.

58. As to claims 28 and 50, they are rejected for the same reasons set forth in claim 6 above.

Conclusion

59. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Naito et al, patent 6,925,603, Nishizawa, 2002/0004734 disclose schedule managing apparatus and method and computer-readable recording medium storing schedule managing program.

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60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jungwon Chang
April 14, 2006